

APRIL 12, 2016

CITY OF GUNNISON COUNCIL
REGULAR SESSION MEETING MINUTES

7:00 P.M.

The City Council Regular Session meeting was called to order at 7:00 P.M., by Mayor Hagan, with Councilors Ferguson, Drexel, and Morrison present along with City Attorney Fogo, Interim City Manager Achen, City Clerk Davidson, Public Works Director Bradford, Finance Director Cowan, Community Development Director Westbay, Parks & Recreation Director Ampietro, WSCU Liaison Alexandre, several citizens and the press. Councilor Schwartz was not in attendance. A Council quorum was present.

APRIL 12, 2016

PUBLIC HEARING

7:00 P.M.

Receive Input on the Merits of a Major Change to a PUD, Application ZA-16-2, Submitted by Gunnison Valley Properties LLC, to Modify the Gross Floor Area and Phasing of the Commercial/Mixed Use District within Table 2.1 (PUD Zoning, Land Use, Dwelling Units and Non-Residential Allocations); Section 2.6 (Highway Access Control Plan); and Appendix A (Development Phasing) within the *Gunnison Rising PUD Development Standards*

Mayor Hagan opened the Public Hearing and stated the time is now 7:00 P.M. on Tuesday, April 12, 2016, in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison, Colorado. Present at the Public Hearing are myself, Mayor Richard Hagan, City Councilors Stu Ferguson, Robert Drexel and Leia Morrison, City Attorney Kathy Fogo, Interim City Manager Mark Achen, City Clerk Gail Davidson, Community Development Director Steve Westbay and Public Works Director Tex Bradford. The purpose of this Public Hearing is to receive input on the merits of a Major Change to a PUD, Application, ZA-16-2, Submitted by Gunnison Valley Properties LLC, to Modify the Gross Floor Area and Phasing of the Commercial/Mixed Use District within Table 2.1 (PUD Zoning, Land Use, Dwelling Units and Non-Residential Allocations); Section 2.6 (Highway Access Control Plan); and Appendix A (Development Phasing) within the *Gunnison Rising PUD Development Standards*.

Mayor Hagan called for proof of publication. City Clerk Davidson stated that a copy of the publication was included in the Public Hearing information packet and the official Affidavit of Publication will be included in the Public Hearing file in the City records.

Mayor Hagan called for the Applicant comments. He requested the applicant to come forward, state their name and sign in for the record. Dick Bratton, City resident, addressed Council. He stated that they are requesting a modification in the allowed square footage because of the donation of the property to the WSCU Foundation. The increase will allow for more effective development. Mr. Bratton informed Council he has asked Community Development Director Westbay to give the applicant comments on the application. Director Westbay stated the application was submitted by Gunnison Valley Properties for a Major Change to the existing Gunnison Rising Planned Unit Development (PUD) Standards. The amendment proposed to modify Table 2.1: PUD Zoning and Land Use Allocations; Section 2.6: Highway Access Control Plan and Appendix A: Development Phasing of the PUD. The change in allowed commercial square footage from 170,00 square feet (sf) to 380,000sf allows for the 120,000sf for the Foundation and 260,000sf for commercial development on the remaining Commercial mixed-use parcel. The allocated residential development is for 20 dwelling units on the Foundation parcel and 120 dwelling units on the commercial mixed-use parcel. Director Westbay stated that in calculating the floor area ratio of allowed commercial development to the square footage of the parcel, the proposed ratio of 9sf development to the sf of lot area is very similar at 4.5 in density to the existing Mountain Meadows Mall on the north end of the City. The proposed density allows for more service efficiencies. The City is an urban service area and when the infrastructure serves higher densities in an area, it is more cost effective and efficient service rather than having those commercial areas spread out over a larger area. Also, the higher development density will allow for an increase in the property and sales tax and the change will make the economics of the development more palatable to future developers wanting to invest in the community.

Mayor Hagan stated it is a huge change in the allowed commercial square footage. He is wondering what the driver is behind the increase. Director Westbay stated the larger commercial area is more economically viable and increases the efficiencies of the needed services. The PUD is flexible to allow for these types of amendments. Mayor Hagan asked why this wasn't included in 2010. Mr. Bratton stated there were a lot of issues on the table at that time and so it was set at a lower level. However, the increased footage is way more efficient use of land at the higher density. Director Westbay stated the property that was gifted to the WSCU Foundation was the game changer for allowing more commercial square footage. Councilor Morrison asked why on page 16 it states that no conditions have changed. Director Westbay stated that conditions have actually changed with the gifting of the land to Western. Also, the economics, what will work

fiscally, has changed since that time. If you over plan at the start, that reality doesn't work. The Gunnison Rising PUD that was approved allows for flexibility through a solid public process. As opportunities arise, those changes can be made. Mayor Hagan asked about phasing changes in Table A1. Director Westbay stated that no changes were made to the open space or residential zoning. In 2012, an amendment was made to the governmental district and that changed the proposed PUD phasing. Mayor Hagan asked about additional parking demands if there is additional commercial square footage. Director Westbay stated that the parking requirements in the City Land Development Code have not changed and any new commercial development will have to follow those standards. Those standards are site specific to the type of use being proposed. The Code also allows for some shared use of parking for some types of commercial uses.

Mayor Hagan called for any City Staff Comments. Director Westbay stated he had nothing further to add for the Hearing.

Mayor Hagan called for any other public comments on the Application. There were no additional comments. Mayor Hagan asked if any letters, emails, or other written comments were received from the public to be entered into the record. City Clerk Davidson replied that no other comments were received.

Mayor called for any further comments and hearing none, he closed the Public Hearing at 7:24 P.M.

APRIL 12, 2016 PUBLIC HEARING 7:15 P.M.
Receive Input on the Merits of Text Amendment Application ZA-16-1, Submitted by Steven Westbay, Director of Community Development, Proposing to Amend Tree and Buffer Planting Requirements (Table 4-11 Minimum Tree and Shrub Plantings) and Section 4.6 F.3 (Zone District Boundary Buffer); the Text Amendment also Corrects Minor Typographical Errors within the City of Gunnison Land Development Code

Mayor Hagan opened the Public Hearing and stated the time is now 7:24 P.M. on Tuesday, April 12, 2016, in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison, Colorado. Present at the Public Hearing are myself, Mayor Richard Hagan, City Councilors Stu Ferguson, Robert Drexel and Leia Morrison, City Attorney Kathy Fogo, Interim City Manager Mark Achen, City Clerk Gail Davidson, Community Development Director Steve Westbay and Public Works Director Tex Bradford. The purpose of this Public Hearing is to receive input on the merits of Text Amendment Application ZA-16-1, Submitted by Steven Westbay, Director of Community Development, Proposing to Amend Tree and Buffer Planting Requirements (Table 4-11 Minimum Tree and Shrub Plantings) and Section 4.6 F.3 (Zone District Boundary Buffer); the Text Amendment also Corrects Minor Typographical Errors within the City of Gunnison Land Development Code.

Mayor Hagan called for proof of publication. City Clerk Davidson stated that a copy of the publication was included in the Public Hearing information packet and the official Affidavit of Publication will be included in the Public Hearing file in the City records.

Mayor Hagan called for the Applicant and Staff comments. Community Development Director Westbay addressed the Council. The Planning & Zoning Commission and City Staff re-examined the landscaping provisions in the 2014 revision of the Land Development Code (LDC). They used illustrations to demonstrate how the interior property looked under the landscaping provisions and recommended some changes to the Code. The district buffer landscaping provisions, i.e. between a residential zone and a non-residential zone, had an onerous number of trees and shrubs required in the buffer. The number of trees in a linear footage was significant so those numbers were modified. There were also some minor editorial changes in the Code such as in the platting of townhomes and the amount of landscaping required if a front and rear yard was being proposed. Table 4.7 dealing with off-street parking in commercial developments was amended to lessen the amount of parking spaces resulting in backing of vehicles onto public rights-of-way. The modification also lessens the amount of long curb cuts that allow for backing onto a street to take place. Section 9.1, dealing with LDC waivers, was modified to create waivers being considered by the Planning & Zoning Commission in a "noticed" Public Hearing process rather than just in a public meeting. This will allow for great due process by an applicant. Some waivers, dealing with minor residential landscaping changes, will be done directly through the Community Development Director. Finally, Section 12.1, proposes minor changes to the security deposit process paid by

developers for utility extensions. The deposit is needed to cover the cost of those infrastructure extensions should the developer default on the project.

Mayor Hagan called for any other public comments on the Application. There were no comments.

Mayor Hagan asked if any letters, emails, or other written comments were received from the public to be entered into the record. City Clerk Davidson replied that no other comments were received.

Mayor called for any further comments and hearing none, he closed the public hearing at 7:31 P.M.

Consideration of Minutes

Meeting Minutes of March 8, 2016, Regular Session Meeting.

Councilor Ferguson moved and Councilor Drexel seconded the motion to approve the minutes of the March 8, 2016, Regular Session meeting as submitted.

Roll call vote, yes: Ferguson, Drexel, Hagan, Morrison. Motion carried.

Roll call vote, no: None.

Meeting Minutes of March 30, 2016, Special Session Meeting.

Councilor Drexel moved and Councilor Ferguson seconded the motion to approve the minutes of the March 30, 2016, Special Session meeting as submitted.

Roll call vote, yes: Drexel, Hagan, Ferguson. Motion carried.

Roll call vote, no: None.

Roll call vote, abstain: Morrison. She was not in attendance.

Pre-Scheduled Citizens: None.

Old Business: None.

New Business:

Excuse Councilor Morrison from 03/30/2016 Special Session Meeting.

Councilor Ferguson moved and Councilor Drexel seconded the motion to excuse Councilor Morrison from the March 30, 2016, Special Session meeting, and to excuse Councilor Schwartz from this evening's Regular Session meeting.

Roll call vote, yes: Hagan, Ferguson, Drexel. Motion carried.

Roll call vote, no: None.

Roll call vote, abstain: Morrison.

Action on Public Works Department JetVac Truck and Slip Lining Contracts.

Councilor Drexel moved and Councilor Ferguson seconded the motion to accept the bid from Farris Machinery of Grand Junction, Colorado, in the amount not to exceed \$328,900 after trade-in for the purchase of the 2016 Jet Vac truck.

Roll call vote, yes: Morrison, Ferguson, Drexel, Hagan. Motion carried.

Roll call vote, no: None.

Councilor Morrison moved and Councilor Ferguson seconded the motion to accept the bid from Ecomatris of Silt, Colorado, in the amount not to exceed \$426,565.96 for the 2016 sewer slip line project.

Roll call vote, yes: Ferguson, Drexel, Hagan, Morrison. Motion carried.

Roll call vote, no: None.

Action to Go Into Executive Session: Pursuant to C.R.S.

Councilor Ferguson moved and Councilor Drexel seconded the motion to go into Executive Session, the purpose of which is pursuant to C.R.S. §24-6-402(4)(a) to discuss the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no executive session shall be held for the purpose of concealing the fact that a member of the City Council has a personal interest in such purchase, acquisition, lease, transfer or sale. The Executive Session is not open to the public and action may not be taken.

Roll call vote, yes: Drexel, Hagan, Morrison, Ferguson. Motion carried.

Roll call vote, no: None.

Council went into Executive Session at 7:38 P.M.

Council came out of Executive Session at 8:10 P.M.

Mayor Hagan stated the time is now 8:10 P.M. and the Executive Session has been concluded. The participants in the Executive Session were Mayor Richard Hagan, Mayor Pro Tem Robert Drexel, Councilor Stu Ferguson, Councilor Leia Morrison, City Attorney Kathy Fogo, Interim City Manager Mark Achen, City Clerk Gail Davidson, and Community Development Director Steve Westbay. Mayor Hagan asked, for the record, if any person who participated in the Executive Session believes that any substantial discussion of any matters not included in the motion to go into executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, he asked that they state your concerns for the record. No comments were made. Council then returned to Regular Session at 8:10 P.M.

Possible Direction to Staff, Re: Real Estate Negotiations on Purchase/Lease of CBD Parking Property.

Councilor Ferguson moved and Councilor Morrison seconded the motion to direct Staff to enter into negotiations on the purchase and or lease of the two properties discussed during the Executive Session for possible Central Business District parking.

Roll call vote, yes: Hagan, Morrison, Ferguson, Drexel. Motion carried.

Roll call vote, no: None.

Set Public Hearing on ABCD Bikes LLC dba Double Shot Cyclery, Hotel & Restaurant Liquor License Application for 7:00 PM, May 24, 2016.

Councilor Morrison moved and Councilor Ferguson seconded the motion to set the Public Hearing on the Hotel & Restaurant Liquor License application from ABCD Bikes LLC dba Double Shot Cyclery, 222 N. Main Street, in Gunnison, Colorado, for 7:00 P.M., Tuesday, May 24, 2016.

Roll call vote, yes: Morrison, Ferguson, Drexel, Hagan. Motion carried.

Roll call vote, no: None.

Discussion on Agreement with Gunnison County for Gold Basin Trail FLAP Grant Application. Council discussion ensued regarding the Federal FLAP Grant Application that the County may be submitting. Finance Director Ben Cowan stated the County has not made any firm decisions about the Grant submittal but the grant calls for a 17% match for the project. The grant cycle is typically a 3-year cycle. Project work would probably start in late 2017. No draft agreement is available at this time. Council consensus was to relook at this issue when the County provides more information.

Resolutions and Ordinances:

Ordinance No. 1, Series 2016; Re: Additional Appropriations to 2016 Budget; 1st Reading. Councilor Drexel introduced Ordinance No. 1, Series 2016, and it was read by title, along with Sections 1, 2, and 3, by the City Attorney.

Councilor Drexel moved and Councilor Morrison seconded the motion that Ordinance No. 1, Series 2016, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING AN ADDITIONAL APPROPRIATION FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016**, be introduced, read, passed and ordered published by title on first reading this 12th day of April.

Roll call vote, yes: Ferguson, Drexel, Hagan, Morrison. Motion carried.

Roll call vote, no: None.

Ordinance No. 2, Series 2016; Re: Approving Major Change to the Gunnison Rising PUD; 1st Reading. Councilor Ferguson introduced Ordinance No. 2, Series 2016, and it was read by title only by the City Attorney.

Councilor Ferguson moved and Councilor Drexel seconded the motion that Ordinance No. 2, Series 2016, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, APPROVING A MAJOR CHANGE TO AN EXISTING PLANNED UNIT DEVELOPMENT, TO AMEND TABLE 2.1: PUD ZONING AND LAND USE ALLOCATIONS; SECTION 2.6: HIGHWAY ACCESS CONTROL PLAN; AND APPENDIX A: DEVELOPMENT PHASING WITHIN THE GUNNISON RISING PUD DEVELOPMENT STANDARDS**, be introduced, read, passed and ordered published by title on first reading this 12th day of April, 2016.

Discussion ensued on the Ordinance. Mayor Hagan stated that in the BBC Fiscal Analysis done for the Gunnison Rising Annexation process, there was concern about cannibalism of existing sales to a new commercial site in the annexation property. He thinks the increased commercial square footage would have that effect and is not needed. He doesn't support this Ordinance and that is why he is going to vote no on it. Councilor Ferguson suggested that perhaps increased commercial footage might prevent leakage of local sales dollars to out of town stores. Dick Bratton stated that the cannibalism of sales is not the same discussion about this Ordinance. The PUD Plan has already been approved. Studies have shown that increased commercial will increase sales tax dollars, employment and property taxes. Councilor Morrison stated she had some issues about the increase but after she read the land grant to the Western State Foundation being a partial driver for the increased footage request, she is ok with the Ordinance. Mayor Pro Tem Drexel stated that the issue was discussed in depth by the Planning Commission and they recommend approval of the amendment, so he is good with passage. City Attorney Fogo reminded Council this is a zoning issue and any future commercial development will come back to the City for review.

Roll call vote, yes: Drexel, Morrison, Ferguson. Motion carried.

Roll call vote, no: Hagan.

Ordinance No. 3, Series 2016; Re: Text Amendment to Gunnison Land Development Code Regarding Tree and Shrub Buffer Plantings; 1st Reading. Councilor Ferguson introduced Ordinance No. 3, Series 2016, and it was read by title only by the City Attorney.

Councilor Ferguson moved and Councilor Drexel seconded the motion that Ordinance No. 3, Series 2016, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, TO AMEND SECTION 2, ZONING DISTRICTS; SECTION 4, GENERAL DEVELOPMENT STANDARDS; SECTION 9, DEVELOPMENT STANDARD WAIVERS; AND, SECTION 12, SUBDIVISION STANDARDS WITHIN THE CITY OF GUNNISON LAND DEVELOPMENT CODE**, be introduced, read, passed and ordered published by title on first reading this 12th day of April, 2016.

Roll call vote, yes: Hagan, Morrison Ferguson, Drexel. Motion carried.

Roll call vote, no: None.

Reports:

City Attorney Kathleen Fogo: No report.

Interim City Manager Mark Achen: Interim City Manager Achen reported on the following: Council should save June 13, 14, and 15th for new City Manager interviews; selection of the finalists could possibly take less time than anticipated; the City tree dump will open this Saturday, April 16, at 9am and will be open Tuesdays through Saturday, from 9am to 3pm, through the first of November; and the annual Hartman Rocks Clean-up will take place on May 1st.

City Clerk Gail Davidson: congratulated Councilor Ferguson on his upcoming award from the Gunnison Rotary Club.

Parks & Recreation Director Report: Dan Ampietro – Parks & Rec Department Semi-Annual Report. Director Ampietro asked Council if they had any questions regarding the report included in their packets. Director Ampietro then reported the following: the City has been awarded \$40,000 from GOCO for the dog park; the vault toilets have been ordered for the Mountain Park and the toilet for Legion Park will be installed in the fall; no refund has been received on the prior toilet order and the issue may now be a criminal case through the Police Department; the Recreation Coordinator has had to resign so that position will be advertised for the next two weeks and then a selection will be made; and he is working on the development of a Parks & Recreation Advisory Board. Council thanked Director Ampietro for his thorough report.

Western State Colorado University Student Liaison Alex Alejandre. Alex updated Council on the events taking place at Western this next week. There will be a lot of music concerts happening. Alex then informed Council that the Student Government Association (SGA) is currently holding elections and there are multiple candidates for both President and for his current position as Vice-President of External Affairs. The SGA is also looking at passage of three student bills.

Non-Scheduled Citizens: None.

City Council Discussion, Meeting Reports, Items for Work Session:

Councilor Morrison: reported she was invited by WSCU's Mariah Green and she attended a professional development event for students. The students discussed interview-related questions. Councilor Morrison also reported on the following: she attended the GCSAPP Coalition meeting where they had good discussions; she was contacted by a citizen concerning the need for fencing around a downtown outdoor seating area if alcohol is not being served outside; from the Chamber meeting, next week is Restaurant Week in Gunnison and there will be a Chamber After Hours at the Times this week; and she will be attending the Complete Streets CDOT webinar on Thursday.

Councilor Ferguson: reported he attended the Youth City Council meeting last Sunday and it was a good experience.

Councilor Drexel: reported Region 10 has a BluePrint Colorado 2.0 Program and Council can go to the website for more information. Finance Director Cowan added that it is a training opportunity dealing with eight timely issues.

Mayor Hagan: reported he attended the Mayors'/Managers' meeting in Mt. Crested Butte along with City Manager Achen and they heard a presentation on noxious weeds. He will be attending the Planning Commission meeting in Matt's place on Wednesday and will be attending the Housing Authority meeting this week as well. He too attended the Youth City Council meeting and was impressed to students identified most of the same issues with the proposed downtown sidewalks use for dining and other uses. Mayor Hagan stated he would like the lighted route from campus to downtown to be developed. Interim Manager Achen replied that Director Bradford has been working with Western on ideas for that project.

Adjournment: Mayor Hagan called for any further discussion from Council, Staff or the public, and hearing none, adjourned the Regular Session meeting at 9:09 P.M.



Mayor



City Clerk